

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

INFINITE MASTER MAGNETIC,  
Plaintiff,  
v.  
STATE OF NEVADA, et al.,  
Defendants.

Case No.: 2:22-cv-00943-JAD-NJK

## REPORT AND RECOMMENDATION

11 On June 13, 2022, Plaintiff filed an application to proceed *in forma pauperis* and a  
12 complaint to attempt to initiate this action. Docket No. 1. On June 15, 2022, the Court denied  
13 Plaintiff's application to proceed *in forma pauperis* without prejudice and ordered Plaintiff to  
14 either pay the full filing fee or file a completed application to proceed *in forma pauperis*, no later  
15 than August 15, 2022. Docket No. 3. When Plaintiff failed to timely comply with the Court's  
16 order, the Court ordered Plaintiff to file a new application to proceed *in forma pauperis* or pay the  
17 full filing fee no later than September 19, 2022. Docket No. 4. The Court warned that “[f]ailure  
18 to comply will result in a recommendation to the District Judge that this case be dismissed.” *Id.*  
19 at 2. Notwithstanding that warning, Plaintiff did not comply. *See* Docket.

20 This case cannot proceed without Plaintiff either paying the filing fee or filing a motion to  
21 proceed *in forma pauperis*. See 28 U.S.C. § 1914(a); see also 28 U.S.C. § 1915(a). Having refused  
22 to do either in this case, Plaintiff's complaint is subject to dismissal. E.g., *Desai v. Biden*, 2021  
23 WL 38169, at \* 1 (E.D. Cal. Jan. 5, 2021), *adopted*, 2021 WL 276236 (E.D. Cal. Jan 27, 2021).

24 Moreover, Plaintiff's refusal to comply with the Court's order has interfered with the  
25 Court's ability to hear this case, delayed litigation, disrupted the Court's timely management of its  
26 docket, wasted judicial resources, and threatened the integrity of the Court's orders and the orderly  
27 administration of justice. Sanctions less drastic than dismissal are unavailable because Plaintiff

1 has refused to comply with the order of this Court notwithstanding the warning that case-  
2 dispositive sanctions may be imposed.

3 Therefore, the undersigned **RECOMMENDS** that this case be **DISMISSED** without  
4 prejudice.

5 Dated: October 31, 2022

6   
7 Nancy J. Koppe  
8 United States Magistrate Judge  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28